

## ANDOVER CONSERVATION COMMISSION MEETING MINUTES

SEPTEMBER 5, 2012

Town of Andover  
36 Bartlett Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

### **Commission Members in Attendance:**

Vice Chairman Michael Walsh, Commissioner Alix Driscoll, Commissioner Fran Fink, Commissioner Kevin Porter, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

### **SCHEDULED ITEMS:**

#### **73R River Street**

**Present in Interest: Gary Jacob and Patricia Levesque**

*Staff Recommendation: Close the Public Hearing and Issue as Neg.6*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed installation of a new natural gas distribution line is subject to the Massachusetts Wetlands Protection Act and/or Andover Wetland Protection By-Law.

Mr. Douglas presented this to the Commission. This is a new filing for gas service for a single family home next to the Shawsheen River. The project will take place within the existing dirt roadway and tie in with the local gas line within River Street. There is work that will take place within the buffer zone to the BVW and the Riverfront Resource area, but no work will be performed within the BVW. The area surrounding the driveway is wetland on one side and a hillside on the other. The elevation of the driveway will remain the same.

Mr. Jacob informed the Commission that they will keep the trenches as close to the hill as possible and will use the smallest equipment possible while working. The size of the line has been downsized from 2" line to a 1 ¼" line.

Commissioner Porter inquired as to how long the gas line would be. The gas line will be 580 feet following the shared driveway.

Commissioner Fink is concerned that the trees along the driveway have a root system that may be holding the driveway in place. She asked if the trees would be protected during the installation. The equipment will be used to scrape the surface of the hard packed driveway, then the line will be hand dug around the root systems and the line will be threaded under the root systems. The Applicant also agreed to wrap the existing trees if necessary to protect the bark. Commissioner Fink also noted that

the driveway is located on Conservation land, however the owner has an easement and right of way to use as a driveway. Commissioner Fink also suggested alternative fuel sources be investigated, such as propane. The customer has requested natural gas as this is the less costly and safest fuel source available to them.

Vice Chairman Walsh asked for a Motion. Commissioner Greenwood made a Motion to Approve as Pos.1, Pos.5, Neg.2 and Neg.3 with conditions that all practical steps will be taken to protect the trees, it was seconded by Commissioner Driscoll and unanimously approved.

#### **194 Chandler Street**

**Present in Interest: Cheryl Maguire, Richard Kelley, Shakil Kapadis, Slamaan Sabiha Kapadia, Craig Liversidge, Patricia Levesque, Carol Minasian, Sylvia Mahlebian, John Baloian, Jerry Fitzpatrick, Mike Boloran, Cynthia Ross, Don Ross, Emidio Valeri, Joanne Hidusah, Amy Janovsky, Don Roy, Karen Roy, Bob McQuade, Sam Ameen, III, Pat Fleming, Sean Croston, Michael Korjonan, Loir Ameen, Sam Ameen, Jr. and Charlie Ameen.**

*Staff Recommendation: Continue.*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a 2000 square foot parking area to be built as a trail head to Conservation Land is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Mr. Douglas presented this to the Commission. This was continued from the meeting of August 21, 2012 for purposes of a site visit on September 5, 2012 and to notify the abutters not requiring legal notification to be contacted. In that regard, an unprecedented mailing went out to 50 people. A third party delineation was completed by Leah Basbanes and her wetland line was lower than previously flagged. The project is roughly 95 feet from the wetland at the closest point, putting the project outside the 75 foot WPOD line. The current plan has the full width open visually to the road and due to the raised roadbed, the entirety of the site will be visually accessible to anyone driving by or looking down from the roadway. The site includes state listed species habitat shown on the NHESP map. We have contacted Natural Heritage regarding this issue. The parking lot assessment was completed by Chuck Edgarley.

There are now 2 modified plans for the parking area. The first is a rectangular lot which is angled due to a priority habitat to the back line. This plan shows 45 feet along the roadway which will have all vegetation cleared to provide a clear view from the roadway. There will be parallel parking for 3-6 cars. The second option is roadside parking which will require fill along the road to parallel park.

Attorney Richard Kelley advised the Commission that he has been retained by some of the abutters who are opposed to the lot. Attorney Kelley presented the Commission with an alternative parking plan utilizing roadside parking and informed the Commission that Mr. McQuade would provide the fill required for up to 8 parking spaces under this parking plan.

Cheryl Maguire, an abutter, approved of the roadside modified parking lot. Commissioner Porter asked why this proposal would be better if the Commission has not experienced dumping of trash, etc., in other reservations.

Sal Kapati presented an online petition with 84 signatures and comments against the parking area. He believes the "shoulder" parking area would be the least expensive, least invasive and has more than adequate parking for 8 cars and the possibility of 5 additional parking spaces. Commissioner Greenwood commented that this would require a U-Turn on a busy road which would be a safety issue. Barry McQuade added that parallel parking is not an issue, as cars park facing the wrong way currently, as long as they are behind the white line along the side of the road. The cars could turn around in the Sarkesian lot.

Bob Decelle spoke in favor of the parking area. All conservation areas close at dusk and the added parking area would allow all of the residents of Andover, regardless of age or ability, to enjoy this conservation area. This is the only viable spot for parking and the safety of the people who hike there. Andover Trails Committee supports the parking area as a gateway to Fishbrook North, the largest conservation area.

Sam and Lori Ameen, abutters, informed the Commission that Chandler Road is a cut through off the highway and used to by-pass Route 28 to get to Lawrence without using River Road. The proposed parking area will only make the traffic worse and encourage illegal activity in the area.

Sean Croston, an abutter, asked that the Commission provide the crime statistics in the area now versus 2 years ago to prove the increase in illegal activity in the area.

Shakil Kapadis stated that he walks every day and has found needles and he fears the parking area will only make the illegal activity worse.

Craig Liversidge hikes the trails in that area and believes the visibility to be important. He asked if the egress from the parking area could be changed so not to impact the neighbors across the street with headlights.

Terry McQuade asked why a parking area was needed since there are only a few cars parked at a time during the day.

Carol (Boloian) Minasian informed the Commission that the management plan has not expired and she asked for more signage and a kiosk with trail plan and rules to be displayed. She will discuss the forestry plan with Bob in more detail at a later date.

Commissioner Fink asked if the Commission would receive a site plan with wetland boundaries, resource areas, 100 foot buffer, topography and dimensions of the proposed lot. Accurate dimensions are needed to determine fill requirements and to compare the alternative designs for wetland permitting purposes.

Amy Janovski was present on the site visit and does not see a need for the parking area as there is sufficient off shoulder parking without fear of oncoming cars.

Bob McQuade sent a message to Bob Douglas stating that there is parking at the intersection of Chandler Road and River Road to access Fishbrook North Area.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to continue to October 2, 2012, it was seconded by Commissioner Porter and unanimously approved.

**ACTION ITEMS:**

**20 New England Business Center Drive**

*Staff Recommendation: Issue Order of Conditions.*

Issuance of an Order of Conditions. The stormwater plan has been submitted.

Chairman Porter made a Motion to issue the Order of Conditions, it was seconded by Commissioner Driscoll and approved with Commissioner Fink abstaining.

**Jenkins Road Culvert**

**Present in Interest: Maureen Keller**

*Staff Recommendation: Ratify.*

Ratification of Emergency Certification to the Town Engineer & DPW for replacement of a collapsed culvert.

Commissioner Honea made a Motion to Ratify, it was seconded by Commissioner Greenwood and unanimously approved.

**CONSENT AGENDA:**

**8 Fosters Pond Road**

Issuance of a Certificate of Compliance

**77 Harold Park Road**

Issuance of a Certificate of Compliance

**9 Greybitch Road**

Issuance of a Certificate of Compliance

Commissioner Porter made a Motion to Approve the above items numbered 5,6,7 on the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved.

**43 Farrwood Drive**

Issuance of Notification of Satisfactory Completion of Work Certificate.

Tabled due to further stabilization needed.

**United Lebanese Cemetery**

Vote on Request for Tree Removal due to safety issues. There are trees leaning over other stones with the threat of falling and safety to visitors. There are less than a dozen trees to be removed.

Commissioner Fink asked that a limit be put on the number of trees to be removed.

Commissioner Driscoll made a Motion to allow up to 12 trees to be removed with Bob Douglas to do onsite inspection and replication on plan to be submitted, it was seconded by Commissioner Greenwood and unanimously approved.

**Newport Circle Subdivision**

Vote to issue an Enforcement Order for Nonpayment of inspection fees to appointed inspector. The total due the inspector is \$848.84. Commissioner Honea asked if the Commission could fine \$200 per day back to the date of the notice of the Enforcement Order August 24<sup>th</sup>? Commissioner Fink asked if a cease and desist was part of the Enforcement Order and if a deadline for payment was indicated.

Commissioner Greenwood made a Motion to notify the Applicant to pay by September 12, 2012 (including monies due for escrow) or the fine will be \$200 per day beginning September 12, 2012, it was seconded by Commissioner Porter and unanimously approved.

**24 Filter Bed Road**

DEP site visit on September 12, 2012 relative to a Superseding Order of Conditions.

**Grant Information**

We were not awarded the Merrimack Outdoor Education Grant or the Rogers Dell Restoration Grant, but we are applying for the PARC Grant and a LAND Grant.

**DEP Workshop Town Hall**

Pam Merrill will do a WPA Workshop on September 25<sup>th</sup> from 7:45-9.

**The next meeting will be held on September 18, 2012 at 7:45pm.**

**Meeting was adjourned at 9:45pm by Motion of Commissioner Porter, seconded by Commissioner Driscoll and unanimously approved.**

Respectfully submitted,

Lynn Viselli,  
Recording Secretary